

Respondent and its insurance carrier appeal the decision by the Administrative Law Judge finding for purposes of preliminary hearing that claimant suffered accidental injury to her right foot while in the course of her employment with respondent and ordering respondent to provide medical treatment and temporary total disability compensation while claimant is disabled from her employment. The specific issues raised by respondent and its insurance carrier are:

- (1) Whether claimant suffered an accidental injury arising out of and in the course of her employment with respondent.
- (2) Whether claimant provided timely notice to respondent as provided in K.S.A. 44-520.
- (3) Whether claimant made timely written claim for compensation according to K.S.A. 44-520a.
- (4) Whether claimant made timely application for hearing according to K.S.A. 44-534.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The issues raised on appeal are issues which the Appeals Board has jurisdiction to review on appeals from preliminary orders pursuant to K.S.A. 44-534a. After review of the record and consideration of the arguments made by counsel, the Appeals Board finds for purposes of preliminary hearing that claimant has proven by a preponderance of the credible evidence that her injury did arise out of and in the course of her employment with respondent as a result of a series of traumas culminating on July 2, 1993. With this finding of accident on July 2, 1993, notice, written claim and application for hearing were all timely.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the decision of Administrative Law Judge Robert H. Foerschler, in his Preliminary Hearing Order dated April 14, 1994, is hereby affirmed.

IT IS SO ORDERED.

Dated this ____ day of September, 1994.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Michael A. Preston, 6310 Lamar Avenue, Suite 220, Overland Park, KS 66202
Kenneth J. Hursh, PO Box 2928, Overland Park, KS 66201
Robert H. Foerschler, Administrative Law Judge
George Gomez, Director